

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Approving the Memorandum of Understanding between Blue Cross and Blue
Shield of New Mexico and the Tohono O'odham Nation and Authorizing a
Limited Waiver of Sovereign Immunity)**

RESOLUTION NO. 17-195

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council**
2 **with the authority to "consult, negotiate and conclude agreements and**
3 **contracts on behalf of the Tohono O'odham Nation with Federal, State and local**
4 **governments or other Indian tribes or their departments, agencies, or political**
5 **subdivisions, or with private persons or organizations on all matters within the**
6 **authority of the Tohono O'odham Council." (Constitution, Article VI, Section**
7 **1(f));**

8 **WHEREAS, the Legislative Council by Resolution No. 16-261 approved the Self-Governance**
9 **Compact between the Tohono O'odham Nation ("Nation") and the United States**
10 **Department of Health and Human Services Indian Health Service; and**

11 **WHEREAS, the Memorandum of Understanding ("MOU") with Blue Cross Blue Shield of New**
12 **Mexico ("BCBS") provides Fiscal Intermediary Services; and**

13 **WHEREAS, the MOU establishes BCBS as the Fiscal Intermediary ("FI") for Tohono O'odham**
14 **Nation Health Care; and**

15 **WHEREAS, the establishment of a FI is required to process and make payments for certain**
16 **purchased and referred care medical and dental claims and to provide program**
17 **management services; and**

18 **WHEREAS, the funding for the FI is identified in the Annual Funding Agreement as a**
19 **recurring federal appropriation with Indian Health Services; and**

20 **WHEREAS, the Health and Human Services and Budget and Finance Committees have**
21 **reviewed and recommend approval of the MOU between BCBS and the Nation.**

22 **NOW, THEREFORE, BE IT RESOLVED that the Tohono O'odham Legislative Council approves the**
23 **Memorandum of Understanding between the Nation and Blue Cross Blue Shield**
24 **of New Mexico, which includes a limited waiver of sovereign immunity in order**
25 **to enforce the terms of the Memorandum of Understanding.**

26 **BE IT FINALLY RESOLVED that the Nation's Chairman or his designee is authorized and**
27 **directed to execute the Memorandum of Understanding between the Nation and**
28 **Blue Cross Blue Shield of New Mexico in substantially the form attached.**

29 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 05TH**
30 **day of MAY, 2017 at a meeting at which a quorum was present with a vote of 3,021.4 FOR; -0-**
31 **AGAINST; -0- NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by**
32 **Article VI, Section 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the**
33 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**
34 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of**
35 **June 18, 1934 (48 Stat.984).**
36


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TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman
8 day of May, 2017

ATTEST:



Evonne Wilson, Legislative Secretary
8 day of May, 2017

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 8 day of May, 2017 at 10:44 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

APPROVED

on the 8 day of May, 2017

DISAPPROVED

at 11:31 o'clock, A.M.



EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 11 day of

May, 2017, at 9:50 o'clock, A.M.



Evonne Wilson, Legislative Secretary

RESOLUTION NO. 17-195

ACTION: APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN BLUE CROSS AND BLUE SHIELD OF NEW MEXICO AND THE TOHONO O'ODHAM NATION AND AUTHORIZING A LIMITED WAIVER OF SOVEREIGN IMMUNITY

MOVED: COUNCILMAN ANTHONY J. FRANCISCO JR.

SECOND: COUNCILMAN DANIEL L.A. PRESTON III

DATE: MAY 05, 2017

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 367.2	1. FRANCES MIGUEL (Roberta E. Harvey)	183.60	X			X
	2. VERNON J. SMITH (Gloria Zazueta)	183.60	X			
CHUKUT KUK 332.1	1. ETHEL GARCIA (Marla Kay Henry)	166.05	X			
	2. BILLMAN LOPEZ <i>(Absent)</i> (Patricia Vicenti) <i>(Present)</i>	166.05	X			
GUACHI 265.0	1. TIMOTHY L. JOAQUIN (Louis L. Johnson)	132.50	X			
	2. LORETTA LEWIS ()	132.50	X			
GUVO 250.6	1. GRACE MANUEL (Dallas Lewis)	125.30	X			
	2. PAMELA ANGHILL (Jeffery Antone, Sr.)	125.30	X			
HICKIWAN 205.8	1. LOUIS R. LOPEZ (Shirley Molina)	102.90	X			X
	2. SANDRA ORTEGA ()	102.90	X			
PISINEMO 219.9	1. CHESTER ANTONE <i>(Absent)</i> (Caroline D. Garcia) <i>(Present)</i>	109.95	X			
	2. MONICA K. MORGAN ()	109.95	X			
SAN LUCY 226.5	1. DIANA MANUEL (Lorraine Eiler)	113.25	X			
	2. JANA MONTANA (Gloria Ramirez)	113.25	X			
SAN XAVIER 228.6	1. DANIEL L.A. PRESTON III (Felicia Nunez)	114.30	X			
	2. RACHEAL VILSON-STONER <i>(Absent)</i> (Olivia Villegas-Liston) <i>(Present)</i>	114.30	X			
SCHUK TOAK 180.6	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue)	90.30	X			
	2. QUINTIN C. LOPEZ (John Fendenheim)	90.30	X			
SELLS 513.5	1. ARTHUR WILSON (Beverly Rivas)	256.75	X			
	2. BARBARA HAVIER (Idaleen Reyes)	256.75	X			
SIF OIDAK 231.6	1. LUCINDA ALLEN ()	115.80	X			X
	2. MARY LOPEZ ()	115.80	X			
TOTAL		3,021.4	3,021.4	-0-	-0-	[03]